

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

Case No. 2013-478

STATEMENT OF ISSUES

12 **SANNY PACHAURI,**
13 **a.k.a., SANNY KAWABATA**
a.k.a., SANNY ALVARENGA
14 **a.k.a., SANNY KAWABATA PACHAURI**

Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
18 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
19 of Consumer Affairs.

20 2. On or about April 25, 2011, the Board of Registered Nursing ("Board") received an
21 application for Licensure by Endorsement for a Registered Nurse License from Sanny Pachauri,
22 also known as Sanny Kawabata, Sanny Alvarenga, and Sanny Kawabate Pachauri
23 ("Respondent"). On or about April 25, 2011, Respondent certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application. The Board denied
25 the application on June 12, 2012.

26 ///

27 ///

1 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
2 or profession for which the license was issued.

3 “(b) Notwithstanding any other provision of law, a board may exercise any authority to
4 discipline a licensee for conviction of a crime that is independent of the authority granted under
5 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
6 of the business or profession for which the licensee's license was issued.

7 “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
8 conviction following a plea of nolo contendere. Any action that a board is permitted to take
9 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
10 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
11 made suspending the imposition of sentence, irrespective of a subsequent order under the
12 provisions of Section 1203.4 of the Penal Code.”

13 6. Section 2736 provides, in pertinent part, that the Board may deny a license when it
14 finds that the applicant has committed any acts constituting grounds for denial of licensure under
15 section 480 of that Code.

16 7. Section 2761 states, in pertinent part:

17 "The board may take disciplinary action against a certified or licensed nurse or deny an
18 application for a certificate or license for any of the following:

19 “(a) Unprofessional conduct, which includes, but is not limited to, the following:

20

21 “(e) Making or giving any false statement or information in connection with the
22 application for issuance of a certificate or license.

23 “(f) Conviction of a felony or of any offense substantially related to the qualifications,
24 functions, and duties of a registered nurse, in which event the record of the conviction shall be
25 conclusive evidence thereof.”

26 ///

27 ///

28 ///

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1444 states, in pertinent part:

3 "A conviction or act shall be considered to be substantially related to the qualifications,
4 functions or duties of a registered nurse if to a substantial degree it evidences the present or
5 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
6 safety, or welfare."

7 **FIRST CAUSE FOR DENIAL OF APPLICATION**

8 **(Conviction of a Crime)**

9 9. Respondent's application for licensure is subject to denial under Code section 480,
10 subdivision (a)(1), in conjunction with Code sections 480, subdivision (a)(3) and 2761,
11 subdivision (f), as defined by California Code of Regulations title 16, section 1444, in that
12 Respondent was convicted of a crime substantially related to the qualifications, duties, and
13 functions of a licensed Registered Nurse, as follows:

14 10. On or about January 7, 2010, in the criminal matter entitled *The People of the State of*
15 *Missouri v. Sanny Kawabata Pachauri* (Cir. Ct. St. Louis County, 2010, No. 09SL-CR08972),
16 Respondent was convicted of trespass, a misdemeanor, in violation of Missouri Revised Statutes
17 section 569.140. Respondent was placed on probation for a year and ordered to perform 80 hours
18 of community service work. The circumstances surrounding the conviction are that on or about
19 September 14, 2009, Respondent entered Nordstrom's Department Store in Des Peres, Missouri,
20 selected jewelry and accessories, concealed them inside a Nordstrom's shopping bag, and left the
21 store without paying for the merchandise. The value of the items taken was \$803.80.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 **(Acts Involving Dishonesty, Fraud, or Deceit)**

24 11. Respondent's application is subject to denial under section 480, subdivision (a)(2), in
25 that Respondent committed a dishonest, fraudulent, or deceitful act, with the intent to
26 substantially benefit herself, or substantially injure another. Complainant refers to, and by this
27 reference incorporates, the allegations set forth above in paragraph 10, as though set forth fully.

28 ///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Denying the application for Licensure by Endorsement for a Registered Nurse License from Sanny Pachauri, also known as Sanny Kawabata, Sanny Alvarenga, and Sanny Kawabate Pachauri; and

2. Taking such other and further action as deemed necessary and proper.

DATED: December 11, 2012 Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant